

Resolved, That the secretary of the Senate be and he is hereby authorized and required to contract for and have published three hundred copies of the evidence taken by the joint sub-committee on asylums of the Sixteenth Legislature, with their comments in regard to the Deaf and Dumb Asylum, and that the same be paid for out of the contingent fund of the first called session of the Sixteenth Legislature.

Adopted.

Senator Storey moved that Senate bill No. 81 be taken up.

On motion of Senator Swain, the Senate adjourned until 9 o'clock tomorrow morning.

TWENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 4, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Tilson, the reading of the journals was dispensed with and the same adopted.

Senator Lane, from committee on public lands, returned to the Senate Senate joint resolution No. 87, "Repealing joint resolution No. 19, approved April 21, 1879," and asked to be discharged from the consideration of the same, as he was chairman of that committee and Senate committeeman on the committee of land frauds.

Senator Storey moved to adopt the joint resolution.

The president ruled the motion out of order, as it had not been reported from any committee.

On motion of Senator Edwards, it was referred to committee on state affairs.

Senator Guy introduced a bill entitled "An act to amend the charter of the city of Dallas."

Referred to judiciary committee No. 1.

On motion of Senator Ledbetter, the Senate went into executive session.

IN SENATE.—(Senator Duncan in the chair.)

On motion of Senator Shannon, it was ordered that the journals of yesterday should state that the nominations sent in by the governor for cattle and hide inspectors, and the various notaries public, were confirmed in executive session.

The acting president laid before the Senate, Senate bill No. 78, "An act to regulate the practice of medicine and pharmacy, and to repeal an act," which was read a second time.

(President in the chair.)

A message was received from the House announcing the passage by that body of Senate bill No. 6, "An act prescribing the times of holding the district courts in the several counties composing the twenty-second judicial district."

Senator Brown submitted the following reports:

COMMITTEE ROOM, AUSTIN, July 4, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have compared with the originals and report correctly engrossed the following, viz:

Senate bill No. 48, entitled "An act to amend section 28 of an act entitled 'an act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding or thieving parties, approved April 10, 1874;'"

Senate bill No. 63, entitled "An act to authorize and require the destruction of certain bonds not sold and now in the vaults of the treasury of the state;"

Senate bill No. 73, entitled "An act to amend section 1 of 'an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this state and conform the jurisdiction of the district courts of said counties to such change, approved March 27, A. D. 1879,' so that Brown county shall not be included in or affected thereby."

Senate bill No. 83, entitled "An act defining the boundary lines of Montague county."

BROWN, *Chairman.*

COMMITTEE ROOM, AUSTIN, July 4, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have compared Senate bill No. 77, entitled "An act supplementary to an act entitled an act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein, approved March 24, 1879," and find the same correctly engrossed.

BROWN, *Chairman.*

Senator Ledbetter offered the following amendment to Senate bill No. 78, "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal an act:"

Amend section 6 by striking out all after the word "pharmacy" in line twenty-two, page 4."

Senator Terrell offered the following amendment :

Amend section 4, page 4, line twenty-three, by inserting after the word "sick" the words "as an occupation or means of support."

Senator Edwards offered the following amendment as a substitute for the one offered by Senator Ledbetter :

Strike out the words "and pharmacy" in the caption, and the words "or pharmacy," wherever they occur in the bill; and strike out all after and including the word "provided" in sixth section ; and strike out all after and including the word "but," line twenty-nine, section 7.

Accepted by Senator Ledbetter.

On motion of Senator Motley, the bill and all pending amendments were referred to committee on state affairs.

The hour for the special order having arrived, to wit : the resolution of Senator Burton of yesterday, in regard to adjourning to-day, on account of this being the fourth day of July, it was taken up.

Senator McCulloch offered the following substitute:

WHEREAS, This is the birthday of our great national republic; and

Whereas, It is meet and proper that the merits of our forefathers should receive a hearty and patriotic recognition in the Lone Star State; therefore, be it

Resolved, That the Senate adjourn this morning at 11 o'clock until tomorrow morning at 9 o'clock.

Senator Lane offered an amendment to the substitute of Senator McCulloch, as follows:

Amend substitute by striking out the figures and names, "11 o'clock A. M.," and insert therefor "12:30 P. M."

Adopted.

Senator Street offered the following amendment:

Strike out the word "national," where it occurs in the preamble, and insert the word "federal."

Adopted by the following vote:

YEAS.			
Blassingame,	Ford,	Lair,	Stewart,
Brown,	Grace,	Martin,	Storey,
Buchanan,	Guy,	Motley,	Street,
Duncan,	Hobby,	Shannon,	Tilson—18.
Edwards,	Houston,		
NAYS			
Burnett,	Lane,	McCulloch,	Ripetoe,
Burton,	Ledbetter,	Moore,	Swain—9.
Davenport,			

Senator Burton offered to amend his original resolution by striking out the word "to-morrow."

Adopted.

The substitute offered by Senator McCulloch, as amended by Senator Lane's amendment, was then adopted in lieu of the original resolution offered by Senator Burton.

Senator Brown offered an amendment to the adopted substitute—to strike out the word "morning" and insert the word "day."

The substitute as amended was then adopted.

(Senator Hobby in the chair.)

Senator Houston, chairman of committee on state affairs, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 4, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on state affairs, to whom was referred substitute House bills Nos. 18 and 19, "An act to provide for the sale of the school lands," ask leave to report that, in consideration of the very short time left for action upon this important subject, in the opinion of your committee, this bill should be printed and considered in connection with Senate bill No. 23 on the same subject, which has also been reported favorably, and I am instructed to so recommend.

Houston, *Chairman.*

Bill read first time.

Senator Street introduced a bill entitled "An act to define who are agents of insurance companies, and to fix their liability for acting without authority of law."

Referred to committee on insurance, statistics, history, etc.

On motion of Senator Storey, the rules were suspended and Senate bill No. 69 was taken up, being "An act making appropriations for certain deficiencies, beginning January 1, 1875, and ending February 28, 1879, and for previous years."

Senator Ford offered the following amendment:

"For services rendered in translating from Spanish to English all official correspondence received from General Servando Canales, commanding line of the Bravo, at Matamoros, Mexico; from Hon. Carlos

Pasement, extradition agent from Mexico, under the direction and orders of Hon. John C. Russell, judge of the twenty-fifth judicial district of Texas, and extradition agent and commissioner of the United States, used in the extradition of the criminals Rodolfo Espronceda, Brigodo Oltivares and Pablon Parra, in the months of August and September, A. D. 1877, \$50."

Adopted.

Senator Lane offered the following amendment:

Add "For pay of pensions under the present law, \$12,375."

Adopted.

Senator Ford offered the following amendment:

"THE STATE OF TEXAS:

"To DR. J. M. MAIN, Dr.

"For services as health officer of the city of Brownsville, from August 14 to October 10, 1878—say fifty-six days at \$5 per diem..... \$280 00

"Sworn to and subscribed before me, this fourteenth day of June, A. D. 1879. ADOLPHUS GLAEVECKE, Clerk C. C., Cameron Co, Texas."

Adopted.

Senator Edwards offered the following amendment:

Strike out the two items in favor of Brush and White for "\$161 34;" and Mr. Raatz for "\$86."

Lost.

Senator Patton moved to postpone the further consideration of the bill until to-morrow morning at 10 o'clock, and that fifty copies be printed.

Carried.

Senator Brown, chairman committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 4, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined and find correctly engrossed Senate bill No. 84, entitled "An act to prescribe what character of buildings and what articles shall be manufactured at the East Texas Penitentiary at Rusk." BROWN, Chairman.

On motion of Senator Houston, the leave of absence granted to Senator Homan was extended until to-morrow morning.

On motion of Senator Martin, the rules were suspended and Senate bill No. 80, "An act to amend article 4570 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature."

Bill read second time.

The question being on the engrossment of the bill, the Senate refused to engross the same by the following vote:

YEAS.

Edwards,	Guy,	Martin,	Shannon—5.
Ford,			

NAYS:

Blassingame,	Davenport,	Lair,	Motley,
Brown,	Duncan,	Ledbetter,	Ripetoe,
Buchanan,	Gooch,	McCulloch,	Storey,
Burnett,	Hobby,	Moore,	Terrell—18.
Burton,	Houston,		

Senator Brown, chairman committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 4, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined and find correctly engrossed Senate bill No. 76, entitled "An act to attach the unorganized county of LaSalle to the county of McMullen for surveying purposes."

BROWN, *Chairman.*

Senator Duncan offered the following resolution:

Resolved, That the sergeant-at-arms be retained in office thirty days after final adjournment of the extra session of the Legislature, and that his duties be such as the secretary of the Senate may impose upon him relative to the journal;

And be it further resolved, That if the said sergeant-at-arms be sent to Galveston to attend to business connected with the journal he shall receive no additional pay for mileage and incidental expenses; further, the said sergeant-at-arms shall attend to all business which is usually incumbent upon the sergeant-at-arms after adjournment;

Resolved further, That the account for said services shall be approved by the secretary of Senate and chairman of committee on contingent expenses before warrant shall issue.

Senator Tilson moved to amend by inserting "as long as necessary."

On motion of Senator Duncan, the resolution was referred to finance committee.

The president laid before the Senate, House bill No. 46, "An act to amend article 3888, chapter 5, title 79 of the Revised Civil Statutes."

Bill read third time and passed.

Substitute House bill No. 71, "An act amending article 896, chapter 1, title 11 of the Code of Criminal Procedure," approved April 24, 1879, was read third time and passed by the following vote:

YEAS.

Blassingame,	Edwards,	Ledbetter,	Stewart.
Brown,	Ford,	McCulloch,	Storey,
Buchanan,	Gooch,	Moore,	Street,
Burnett,	Grace,	Motley,	Swain,
Burton,	Guy,	Ripetoe,	Terrell,
Davenport,	Hobby,	Shannon,	Tilson—26.
Duncan,	Houston,		

NAYS—NONE.

Senate bill No. 44, "An act to authorize the receiver of the general land office to refund money under certain circumstances," was read third time and passed by the following vote:

YEAS.

Blassingame,	Ford,	Moore,	Stewart,
Brown,	Gooch,	Motley,	Storey,
Burnett,	Guy,	Patton,	Street,
Davenport,	Lane,	Ripetoe,	Swain,
Duncan,	Martin,	Shannon,	Tilson—22.
Edwards,	McCulloch,		

NAYS.

Burton,	Houston,	Lair,	Terrell—5.
Grace,			

Senate bill No. 43, "An act to transfer criminal cases from unorganized counties to organized counties having judicial jurisdiction thereof," was read third time and passed.

On motion of Senator Swain, the rule was suspended and Senate joint resolution No. 86 was taken up, said joint resolution being entitled "Joint resolution authorizing the comptroller of the state to pay out certain moneys in his hands."

Read second time and ordered engrossed.

On motion of Senator Swain, the rule was suspended to put joint resolution on third reading by the following vote:

YEAS.			
Blassingame,	Edwards,	Motley;	Storey,
Brown,	Ford,	Patton,	Street,
Buchanan,	Gooch,	Ripetoe,	Swain,
Burnett,	Guy,	Shannon,	Terrell,
Burton,	Houston,	Stewart,	Tilson—22.
Davenport,	Ledbetter,		

NAYS—Duncan.

The joint resolution was read third time and passed by the following vote:

YEAS.			
Blassingame,	Edwards,	Lair,	Ripetoe,
Brown,	Ford,	Ledbetter,	Shannon,
Buchanan,	Gooch,	Martin,	Storey,
Burnett,	Grace,	McCulloch,	Street,
Burton,	Guy,	Moore,	Swain,
Davenport,	Houston,	Motley,	Terrell,
Duncan,	Lane,	Patton,	Tilson—28.

NAYS—none.

Senate bill No. 48, "An act to amend section 28 of 'an act to provide for the protection of the frontier of the State of Texas against the invasion of hostile Indians, Mexicans or other marauding or thieving parties,'" was read third time and passed by the following vote:

YEAS.			
Blassingame,	Ford,	Lane,	Ripetoe,
Brown,	Gooch,	Lair,	Shannon,
Buchanan,	Grace,	Ledbetter,	Storey,
Burnett,	Guy,	Martin,	Street,
Burton,	Hobby,	McCulloch,	Terrell,
Davenport,	Houston,	Patton,	Tilson—25.
Duncan,			

NAYS.

Motley,

Stewart—2.

On motion of Senator Street, the rule was suspended and Senate bill No. 81 was taken up, said bill being entitled "An act supplemental to an act entitled 'an act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881,'" and read second time.

On motion of Senator Street, the bill was made special order for 10 o'clock A. M. to-morrow, and fifty copies thereof ordered printed.

House bill No. 27, "An act to diminish the civil and criminal jurisdiction of the county courts of Upshur, Erath, Comanche, Eastland, Palo Pinto, Stephens, Shackelford, Throckmorton, Taylor, Callahan and Panola counties, and conform the jurisdiction of the district courts of said counties to such change," was read third time.

Senator Duncan offered the following amendment:

Strike out the word "Upshur" wherever it occurs in the bill and caption.

Carried by the following vote:

NAYS.			
Blassingame,	Ford,	Lane,	Shannon,
Brown,	Gooch,	Ledbetter,	Stewart,
Buchanan,	Grace,	Martin,	Storey,
Burnett,	Guy,	Moore,	Street,
Burton,	Hobby,	Motley,	Terrell,
Davenport,	Houston,	Patton,	Tilson - 27.
Duncan,	Lair,	Ripetoe,	

NAYS—none.

The bill was then passed by the following vote:

YEAS.			
Blassingame,	Ford,	Lane,	Ripetoe,
Brown,	Gooch,	Ledbetter,	Shannon,
Buchanan,	Grace,	Martin,	Stewart,
Burnett,	Guy,	McCulloch,	Storey,
Burton,	Hobby,	Moore,	Street,
Davenport,	Houston,	Motley,	Terrell,
Duncan,	Lair,	Patton,	Tilson—29.
Edwards,			

NAYS—none.

On motion of Senator Storey, the rule was suspended and substitute House bill No. 74, entitled "An act to amend article 4652, chapter 5 of title 93 of the Revised Civil Statutes," was taken up, read second time and the following committee amendment adopted, viz:

Amend by inserting between the words "chapter" the following words, viz: "*provided*, that the inspector shall in no case be authorized to receive or demand more than five cents per head for each head of cattle inspected."

Senator Lane offered the following amendment:

Amend by striking out the words "five cents a head" where they appear, and insert "three cents a head" therefor.

Adopted.

The bill was then passed to third reading.

On motion of Senator Storey, the rule was suspended to place the bill on third reading by the following vote:

YEAS.			
Blassingame,	Grace,	Ledbetter,	Ripetoe,
Buchanan,	Guy,	Martin,	Shannon,
Burnett,	Hobby,	McCulloch,	Street,
Davenport,	Houston,	Moore,	Terrell,
Ford,	Lair,	Motley,	Tilson—23.
Gooch,	Lane,	Patton,	

NAYS—Burton.

Not voting—Brown, Duncan, Edwards, Stewart, Storey, Swain.

The bill was then read third time and passed by the following vote:

YEAS.			
Blassingame,	Houston,	Moore,	Storey,
Brown,	Lair,	Motley,	Street,
Davenport,	Lane,	Patton,	Swain,
Duncan,	Ledbetter,	Shannon,	Terrell,
Edwards,	McCulloch,	Stewart,	Tilson—21.
Gooch,			

NAYS.

Buchanan,	Burton,	Martin,	Ripetoe—5.
Burnett,			

Not voting—Ford, Grace, Guy, Hobby.

The following message from his excellency the governor was read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, July 4, 1879. }

To the honorable Senate and House of Representatives in the Legislature assembled:

GENTLEMEN—I herewith respectfully submit to you the itemized account for the improvement of the mansion and its grounds. The different items of improvement were, when practicable, let out to the lowest bidder, and the work has been done so as to insure a permanent benefit as far as it has gone. The vouchers for every item of the account are to be found in the comptroller's office. I respectfully request the appointment of a committee of each House to examine said accounts, with the vouchers; and also to inspect the work done in and upon the mansion and upon the grounds, and the manner in which the money appropriated has been spent under my direction.

1879—Accounts approved for repairs on mansion April 25:

By account in favor of C. W. White.....	\$69 75
May 1, by account in favor of Wm. Smith.....	11 00
May 5, by account in favor of I. Stein.....	27 35
April 1, by account in favor of R. M. Castleman	28 25
May 9, by account in favor of B. Radky	16 55
May 19, by account in favor of C. W. White.....	10 15
May 22, by account in favor of D. W. Jones.....	94 32
May 27, by account in favor of W. A. Rucker.....	20 00
May 28, by account in favor of C. A. Dahlich.....	4 50
May 30, by account in favor of C. H. Reiz.....	45 35
May 30, by account in favor of Sallie M. Vinton.....	5 50
May 31, by account in favor of Texas Building Association...	345 00
June 2, by account in favor of R. M. Castleman & Co.....	54 70
June 2, by account in favor of A. J. McClery & Co.....	21 28
June 2, by account in favor of J. T. Barreck.....	229 50
June 3, by account in favor of B. Radky.....	23 00
June 6, by account in favor of Sam Norwood.....	24 00
June 7, by account in favor of George Miller.....	2 50
June 7, by account in favor of Jack Rainy	4 00
June 13, by account in favor of Texas Building Association...	42 00
June 14, by account in favor of Moffat & Cornwall	200 00
June 30, by account in favor of C. H. Blye.....	114 15
July 1, by account in favor of C. W. White.....	36 75
July 3, by account in favor of J. W. Henning.....	371 45
June 28, by account in favor of Moffat & Cornwall.....	200 00

\$2,000 00

To amount of appropriation for repairing mansion..... 2,000 00

July 3, by amount of account approved for J. Lamore, architect 55 00

July 3, by amount of account approved for J. W. Henning.... 187 83

\$242 83

To amount paid out of contingent fund for mansion..... 165 83

Balance unpaid and will be paid out of the mansion contingent
after the first of March next..... 77 00

The vouchers for each item above set out are filed in the comptroller office. Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Houston moved that a committee be appointed in accordance with the request of the governor.

Carried, and the president appointed Senators Houston, Lane and Blassingame as said committee.

In obedience to the resolution passed this morning, the president, at 12:30 o'clock P. M., declared the Senate adjourned until 9 o'clock tomorrow morning.

TWENTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 5, 1879. }

Senate met pursuant to adjournment; president in the chair. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Martin, the reading of the journals of yesterday was dispensed with and the same adopted.

Senator Duncan was appointed by the president on the joint committee on the part of the Senate to investigate land frauds, in place of Senator Lane, resigned.

Senator Stewart, chairman of judiciary committee No. 2, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

Hon. J. D. Sayers, President of the Senate:

Your judiciary committee No. 2 have considered Senate bill No. 89, entitled "An act to amend the charter of the city of Dallas," and I am instructed by said committee to report said bill back to the Senate and to recommend its passage.

STEWART, *Chairman.*

Bill read first time.

Senator Houston, chairman of the committee on state affairs, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 5, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on state affairs have considered Senate joint resolution No. 87, "Joint resolution repealing joint resolution No. 19," approved April 26, 1879, and I am instructed by a majority of your committee to report the same back to the Senate, with the recommendation that it do pass.

HOUSTON, *Chairman.*

Resolution read first time.

Senator Brown, chairman of committee on engrossed bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, July 2, 1879.

Hon. J. D. Sayers, President of the Senate:

Your committee on engrossed bills have examined and find correctly engrossed Senate bill No. 22, entitled "An act to amend article 3696 of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed during the first session of the Sixteenth Legislature."

BROWN, *Chairman.*

Senator Guy moved to suspend the rules and take up Senate bill No. 89, entitled "An act to amend the charter of the city of Dallas."

Carried by the following vote;